IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

NO. 80-974

CYNTHIA FORD

Petitioner

v.

DOROTHY FORD, ET VIR

Respondents

ON PETITION FOR A WRIT OF CERTIORARI
TO COURT OF CIVIL APPEALS
NINTH SUPREME JUDICIAL DISTRICT
OF TEXAS AT BEAUMONT
AND THE SUPREME COURT OF TEXAS

RESPONDENTS' BRIEF IN OPPOSITION

Dorothy Ford
Box 641
Diboll, Texas 75941

INDEX

QUESTIONS PRESENTED. 1

REASONS WHY THE WRIT SHOULD BE DENIED 2

1. THE DECISIONS BELOW OF THE COURT OF CIVIL APPEALS AND THE TEXAS SUPREME COURT DOES NOT PRESENT A CONFLICT WITH FEDERAL LAW WHICH WARRANTS REVIEW BY THIS COURT. 2

2. NONE OF CINDY FORD'S RIGHTS OF SUBSTANTIVE DUE PROCESS WERE VIOLATED. 2

CONCLUSION. 2

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The respondents respectfully request that this Court deny the petition for writ of certiorari seeking review of the decision of the Court of Civil Appeals Ninth Supreme Judicial District of Texas at Beaumont.

QUESTIONS PRESENTED

1. WHETHER THE DUE PROCESS CLAUSE PROTECTS AGAINST PERMANENT SEVERANCE OF PARENTAL RIGHTS EXCEPT UPON EVIDENCE WHICH IS SUFFICIENT TO FAIRLY SUPPORT A CONCLUSION THAT EVERY ELEMENT OF THE STATUTORY BASIS ALLEGED HAS BEEN ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE?

2. WHETHER THE LOWER COURTS TERMINATION OF PETITIONER'S PARENTAL RIGHTS, BASED ON THE EVIDENCE PRODUCED, VIOLATED HER RIGHT TO SUBSTANTIVE DUE PROCESS?

REASON WHY THE WRIT SHOULD BE DENIED

1. The decisions below of the Court of Civil Appeals and the Texas Supreme Court does not present a conflict with federal law which warrants review by this Court.

2. None of Cindy Ford's rights of substantive due process were violated.

CONCLUSION

In consideration of the reasons set forth above the writ of Certiorari should be denied.

Dorothy Ford

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MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Respondents move pursuantto Rule 53(1) of the Rules of this Court for leave to proceed in forma pauperis for the reasons stated in the attached affidavit.

Dated May 4, 1981

Dorothy Ford

Dorothy Ford
P. O. Box 641
Diboll, Texas 75941

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AFFIDAVIT

I, Dorothy Ford, hereby state under oath as follows: I do not have funds to afford an appeal in the Supreme Court of the United States. I have used all of my funds in the actions in the District Court of Angelina County, Texas, the Court of Civil Appeals in Beaumont, Texas, and the Supreme Court of the State of Texas in Austin, Texas. I do not have any money to finance the cost of legal fees, court costs or printing documents.

It is financially impossible for me to raise any money as I do not own property other than my homestead and we do not wish to sell it.

Dated May 4, 1981

Dorothy Ford

Dorothy Ford

STATE OF TEXAS X

COUNTY OF ANGELINA X

May 4, 1981

Personally appeared before me the above named Dorothy Ford and swore to the truth of the foregoing affidavit.

Dovie Adams DOVIE ADAMS

Notary Public